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FACULTY HANDBOOK

NEW YORK UNIVERSITY
A Private University in the Public Service

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PLAINTIFF'S
EXHIBIT

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Discipline

University Bylaw 62 provides that "the power of suspending or dismissing a student in any school is lodged with the voting faculty of that school, but the President or the dean of a school, or their respective representatives, may suspend a student pending the consideration of his or her case by his or her faculty. The Senate shall have power to act in situations involving more than one school." In general, each school handles breaches of academic discipline, such as plagiarism or cheating on examinations. Matters involving breaches of the peace or disruptive disturbances may come within the jurisdiction of the Faculty or the Senate, depending on the nature of the circumstances. The Senate has approved a "Statement of Policy on Student Conduct at New York University" (see page 128) and the "Student Disciplinary Procedures" (see page 131), as well as a general set of "New York University Rules for the Maintenance of Public Order" (see page 123). For further information, contact the Dean's Office in the appropriate school or the Office of the Vice President for Student Affairs.

Student Press

The general undergraduate newspaper is the Washington Square News, published daily and available free of charge throughout the Washington Square campus.

Privacy of a Student's Educational Records

Among its several purposes, the federal Family Educational Rights and Privacy Act of 1974 (FERPA) was enacted to protect the privacy of a student's education records, by limiting access to student records and the disclosure of information contained in them, to establish the rights of students to inspect and review their education records, and to provide students with an opportunity to have inaccurate or misleading information on their education records corrected. See "Guidelines for the Implementation of the Family Educational Rights and Privacy Act of 1974" (page 92).

New York University Rules for the Maintenance of Public Order

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(Adopted by the University Board of Trustees on May 26, 1969 and amended through November 17, 1980)

The Trustees of New York University do hereby adopt the following rules for the maintenance of public order on campus and other University property used for educational purposes, and a program for the enforcement of these rules; and do hereby authorize the President of the University to file a copy with the Regents and the Commissioner of Education as provided in section 6450 of the New York Education Law.

I. Rules of Conduct

- A. All members of the University community—students, faculty members, and members of the staff—shall comply with city, state, and federal laws and ordinances affecting the maintenance of order on University premises.
 - 1. Conduct that is violative of such laws and ordinances occurring on University premises may be subject to both University discipline and public sanctions as circumstances may warrant or dictate.
 - 2. Conduct that is violative of such laws and ordinances occurring off University premises will ordinarily not be subject to University discipline, unless such conduct
 - a) Seriously affects the interests of the University or the position of the member within the University community; or
 - b) Occurs in close proximity to University premises and is connected with violative conduct on University premises.
- B. All members of the University community are prohibited from engaging in conduct leading to or resulting in any of the following:
 - 1. Interference with or disruption of the regular operations and activities of the University.
 - 2. Denial of, or unreasonable interference with, the rights of others—including persons not members of the University community who are present as invitees or licensees—on University premises. These rights include the right of academic freedom as well as constitutionally protected rights.
 - 3. Injury to University property, real or personal.
 - 4. Unauthorized access to or occupation of nonpublic areas on University premises, including but not limited to classrooms, seminar rooms, laboratories, libraries, faculty and administrative offices, auditoriums, and recreational facilities.

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5. Unauthorized access to or use of personal property, including files and records.
 6. Recklessly or intentionally endangering mental or physical health or forcing consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.
- C. Visitors, including invitees and licensees, shall at all times conduct themselves in a manner that is consistent with the maintenance of order on University premises, and their privilege to remain on University property shall automatically terminate upon breach of this regulation. The University in addition reserves the right in its discretion to withdraw at any time the privilege of an invitee or licensee to be on University premises. A trespasser has no privilege of any kind to be on University property but is nevertheless subject to these regulations governing the maintenance of order.
- D. Any authorized member of the University community, after properly identifying himself or herself, may in the course of performing his or her duties request identification from members of the University community. Refusal to identify oneself shall be considered prima facie evidence of non-University status.
- "Authorized" members of the University community shall include
1. Members of the University Administration;
 2. Faculty in the performance of teaching or supervisory duties;
 3. Faculty or student marshals designated by the University Senate or the University Administration;
 4. University security officers.
- E. Nothing contained in these rules is intended, nor shall it be construed, to limit or restrict the freedom of speech or peaceful assembly.

II. Program of Enforcement

- A. Visitors (Invitees, Licensees, and Trespassers). When an administrative officer or member of the protection service of the University in his or her discretion determines that the privilege of an invitee or licensee to be on University premises should be withdrawn, he or she shall ask the invitee or licensee to leave the premises, and the invitation or license shall thereby be terminated. If any person, whether initially a trespasser, licensee, or invitee, fails to leave University premises promptly upon request, the University will use all reasonable means, including calling for the assistance of the police, to effect that person's removal.

- B. **Summary Suspension of Members of University Community.** Penalties for violation of University rules shall not be imposed upon members of the University community except after compliance with the disciplinary procedures applicable to students, or faculty members, or members of the University staff (administrative and other employees). However, summary suspension pending disciplinary proceedings may be imposed upon students in accordance with the Bylaws, or upon faculty members in accordance with the Rules of Tenure and Related Provisions, as adopted and subsequently amended by the Board of Trustees, or upon members of the University staff in accordance with administrative practice.
- C. **Disciplinary Action.** A member of the University community who is charged with a violation of the University rules set forth in Section I above shall be subject to appropriate disciplinary action as follows:

1. **Students**

- a) If the alleged violation of University rules involves a matter affecting more than one school, disciplinary proceedings shall be carried out under the Rules Regulating Student Disciplinary Proceedings adopted by the Senate in accordance with the authority delegated to it under paragraph 34(c) of the University Bylaws.
- b) If the alleged violation of University rules involves a matter affecting only one school, disciplinary action shall be carried out by the faculty of the school in which the student charged is enrolled.

The authority of the faculty is derived from paragraph 61(b) of the University Bylaws. Disciplinary proceedings shall be in accordance with the established practice of the school. In the absence of an established practice in a school, the following procedure shall be used:

- (i) When a charge of misconduct has been made, the dean of the school, or such other administrative officers or faculty members as may be designated, shall try to resolve the matter on an informal basis.
- (ii) If the matter cannot be disposed of on an informal basis, the hearing procedure shall follow in principle, though not necessarily in detail, the provisions in the Rules Regulating Student Disciplinary Proceedings, with the following exceptions: (a) no verbatim record of the proceeding shall be required, (b) the hearing tribunal shall be composed of such persons as the faculty of the school may designate, and (c) the appellate tribunal, if any, shall be a person or persons within the school or the University.

2. Faculty Members

- a) When a faculty member is charged with a violation of these rules, an effort shall be made to resolve the matter informally under the direction of the dean of the faculty member's school at the departmental level or with a committee of the faculty of that school.
- b) When the matter cannot be resolved as provided in the preceding paragraph, disciplinary action shall proceed as follows:
 - (i) If the faculty member charged with a violation has permanent or continuous tenure (and the charge is brought specifically to terminate service), the Rules of Tenure and Related Provisions shall apply.
 - (ii) If the faculty member does not have continuous or permanent tenure, his or her case shall be referred to a special committee of the faculty designated for that purpose. The special committee shall adopt its own rules of procedure. It shall have the authority to impose any of the penalties, other than dismissal, listed in section II-D and to recommend the penalty of dismissal. A recommendation for dismissal for a faculty member who does not have continuous or permanent tenure shall be submitted to the dean of the faculty member's school for approval and shall not become effective except on the concurrence of the President as provided in paragraph 52(a) of the University Bylaws.

3. University Staff: Administrative Officers and Other Employees

When a member of the University staff, other than a faculty member, has been charged with a violation of University rules, the charge shall be considered and determined administratively in accordance with established practices of the department to which the staff member is assigned. If the person against whom the charge has been made is both an administrative officer and a faculty member his or her case shall be governed by this section unless the violative conduct was of such a nature as to call into question his or her continued qualification for service on the faculty; in the latter event, disciplinary action will proceed in accordance with section II-C-2, above.

4. Organizations

Any organization which authorizes conduct prohibited under Section I.B.(6) shall be subject to having its permission to use the facilities of New York University and to operate as a University organization rescinded, and shall be subject to any additional penalties pursuant to the penal law or any other applicable provision of law.

D. Penalties. Penalties for violation of University rules that may be imposed upon members of the University community include, but are not limited to, the following:

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1. Reprimand
2. Censure
3. Removal of privileges
4. Suspension
5. Dismissal or expulsion

CHAPTER III

THE UNIVERSITY SENATE

31. Members of the Senate

For the four-year period June 1, 2006 - May 31, 2010, the Senate shall consist of the President, and not more than eighty-two voting members, as follows: a) not more than thirty-five members of the Faculty Senators Council, including one representative of the Division of the Libraries of the University; b) not more than fifteen academic members of the Deans Council; c) not more than twenty-two members of the Student Senators Council; d) not more than five representatives of the Administrative Management Council, and e) not more than five officers of University administration, including the President, the Chancellor of the University and Executive Vice President for Academic Affairs, the Executive Vice President for Health Affairs, the Secretary, and such other officers as may from time to time be designated by the President.

32. Meetings of the Senate

The Senate shall meet once each month, except January, during the academic year, and at other times on twenty-four hours' notice at the call of the President. When requested in writing by five members of the Senate, the Secretary shall call a special meeting on twenty-four hours' notice, specifying the purpose of the meeting.

33. Officers of the Senate

The President of the University shall be the President of the Senate. The Senate shall elect a Vice President, who shall preside in the absence of both the President and the Chancellor of the University and Executive Vice President for Academic Affairs, and a Secretary.

34. Functions of the Senate

- a. The Senate shall be the deliberative body for the discussion of University-wide policies and proposed changes in University practices and structure. In particular, the Senate shall be concerned with the academic program and structure, personnel and budgetary policies, development of facilities, and community, professional, and educational relations of the University. It shall make recommendations to the President and, through the President, to the Board in reference to the policies and practices of the University.

- b. The Senate shall receive and review regularly the reports and recommendations of University-wide commissions and, from time to time, those of other interschool committees or commissions that may refer to matters within the jurisdiction of the Senate.
- c. The Senate shall have power to act upon educational matters and regulations of the academic community that affect more than one school. Action by the Senate in these matters shall be binding upon all faculties, but any faculty shall have the right of appeal to the Board, which may overrule the Senate action.
- d. The Senate shall fix the length of terms and vacations and define the University calendar. It shall determine the time, place, and manner of the Commencement Exercises and of other public occasions affecting more than one school of the University, and shall adopt regulations regarding academic costumes therefor.
- e. The Senate may make recommendations for the consideration of each of the faculties in reference to their educational programs and policies. It shall make recommendations to the administration of the University in regard to catalogues, bulletins, and other announcements of the University, and shall define the meaning of educational terms used in these University publications.
- f. The Senate shall exercise such other legislative or advisory functions in connection with the educational work of the University as may be assigned to it by the Board.

35. Rules of the Senate

The Senate shall adopt for its governance rules of procedure not inconsistent with the University charter and bylaws. These rules may provide for the appointment of standing and special committees or commissions of the Senate, with such membership and for such purposes as the Senate may deem useful in the performance of its functions.

CHAPTER VI

EDUCATIONAL OPERATIONS

61. Responsibilities of the Faculties

- a. The educational conduct of each of the several schools and colleges, within the limits prescribed by these bylaws or by the Board, is committed to the faculty of each of the schools, and to such officers of the schools as the Board may appoint. The educational functions of the libraries of the University, as defined and structured by the President, are similarly committed to the faculty and officers of the Division of the Libraries.
- b. Subject to the approval of the Board and to general University policy as defined by the President and Senate, it is the duty of each faculty to determine entrance requirements of the school under its care, to determine courses of study to be pursued and the standards of academic achievement to be attained for each degree offered, to prepare a schedule of lectures, to make and enforce rules for the guidance and conduct of the students, and to certify to the President, for recommendation to the Board, qualified candidates for degrees and certificates.
- c. Each faculty shall make and enforce rules of eligibility for the participation of its own students in athletics and other extracurricular activities. However, the University requirements for student participation in intercollegiate athletics shall be determined by the Senate on the recommendation of an appropriate committee of the several faculties and shall be uniformly applied in the schools concerned therewith.
- d. It is the duty of the faculty of the Division of the Libraries to develop and implement the acquisition policies of its various libraries in accordance with the instructional and research needs of the University and in collaboration with the academic units which the libraries serve and support; to provide access to the content of the collections by organizing them, by developing bibliographic guides, and by providing bibliographic assistance and instruction; to promote and develop the use of the libraries and their resources through interaction with the University community and through research and publication; and to make and enforce rules concerning the use of the libraries' collections.

62. Student Discipline

The power of suspending or dismissing a student in any school is lodged with the voting faculty of that school, but the President or the dean of a school, or their

respective representatives, may suspend a student pending the consideration of his or her case by his or her faculty. The Senate shall have power to act in situations involving more than one school.

63. Degrees

- a. Degrees conferred by the University are either degrees in course or honorary degrees. Degrees in course are granted by the Board to candidates recommended by the President on certification by a faculty as having fulfilled the requirements for a degree. Honorary degrees are granted by the Board upon the recommendation or action of its Executive Committee. No degree granted in course shall be conferred honoris causa.
- b. A faculty shall recommend candidates for only those degrees in course authorized by the New York State Education Department and designated by the Board to mark the completion of courses under the faculty. The regulations regarding the award of degrees in course shall govern similarly the award of certificates.
- c. No officer of instruction holding professorial rank in the University, that is, rank above the grade of instructor, shall be permitted to enroll as a candidate for a degree or be recommended for a degree in course. A degree candidate who accepts appointment to professorial rank must thereupon relinquish such candidacy.
- d. Degrees may be voted at any meeting of the Board or of the Executive Committee. Degrees in course may also be conferred by the President at the annual Commencement after the end of the spring term, and on appropriate dates after the end of the summer session and the end of the fall term, respectively, upon all candidates who have been certified as having completed the requirements for their respective degrees, without specific action by the Board, provided that the certified lists be presented for confirmation at the first regular meeting of the Board thereafter, and entered in the records of the Board. Likewise, in imperative circumstances at other seasons of the year, the President may confer such degrees in course as may be duly recommended to him or her without previously submitting such recommendations to the Board, provided that he or she report such actions to the Board for confirmation at the earliest opportunity.

64. Faculty Membership

- a. The voting members of each faculty shall consist of the President, the Chancellor of the University and Executive Vice President for Academic